

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**BARRY W. H.,  
Plaintiff,**

**v.**

**COMMISSIONER OF  
SOCIAL SECURITY,  
Defendant.**

**Civil Action 2:21-cv-5426  
Judge Edmund A. Sargus, Jr.  
Magistrate Judge Elizabeth P. Deavers**

**OPINION AND ORDER**

Plaintiff brought this action under 42 U.S.C. § 405(g) for review of a final decision of the Commissioner of Social Security denying his application for social security disability insurance benefits. The United States Magistrate Judge issued a Report and Recommendation on Plaintiff's Statement of Errors (ECF No. 8), the Commissioner's Memorandum in Opposition (ECF No. 9), Plaintiff's Reply (ECF No. 10), and the administrative record (ECF No. 5). In a well-reasoned and correct Report and Recommendation the Magistrate Judge recommended that the Court reverse the Commissioner of Social Security's nondisability finding and remand this action. The time for filing objections has passed and no objections were filed.

The Court hereby **ADOPTS** the Report and Recommendation, **REVERSES** the Commissioner's nondisability finding, and **REMANDS** this case to the Commissioner and the ALJ under Sentence Four of § 405(g).

**IT IS SO ORDERED.**

**10/7/2022  
DATE**

**s/Edmund A. Sargus, Jr  
EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE**